

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION

UNITED STATES OF AMERICA,
Plaintiff,

v.

\$62,203.00 IN UNITED STATES FUNDS,
Defendant Property.

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CASE NO. 5:15-CV-142 LJA

VERIFIED COMPLAINT FOR FORFEITURE

COMES NOW, Plaintiff, the United States of America, by and through its attorney, the United States Attorney for the Middle District of Georgia, brings this complaint and alleges as follows in accordance with Rule G(2) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, Federal Rules of Civil Procedure:

Nature of the Action

1. This is a civil action *in rem* brought pursuant to Title 21, United States Code, Section 881(a)(6), to forfeit and condemn to the use and benefit of the United States of America certain personal property, to wit: \$62,203.00 in United States funds (hereinafter referred to as the "Defendant Property").

The Defendant in Rem

2. The Defendant Property consists of a total of \$62,203.00 in United States funds, and was seized from Alejandro Solorio, on October 31, 2014, at 2521 Cropley Way, Arcata, California 95521. The Defendant Property is presently in the custody of

the United States Marshals Service, having been deposited into the Seized Asset Deposit Fund Account.

Jurisdiction and Venue

3. Plaintiff brings this action *in rem* in its own right to forfeit the Defendant Property. This Court has jurisdiction over an action commenced by the United States under 28 U.S.C. § 1345, and over an action for forfeiture under 28 U.S.C. § 1355(a).

4. This Court has *in rem* jurisdiction over the Defendant Property pursuant to 28 U.S.C. § 1355(b)(1)(A) because acts or omissions giving rise to the forfeiture occurred in this District, and 28 U.S.C. § 1355(b)(1)(B), incorporating 28 U.S.C. § 1395, because the action accrued in this District. Upon the filing of this complaint, the Plaintiff requests that the Court issue an arrest warrant *in rem* pursuant to Supplemental Rule G(3)(b), which the Plaintiff will execute upon the Defendant Property pursuant to 28 U.S.C. § 1355(d) and Supplemental Rule G(3)(c).

5. Venue is proper in this District pursuant to 28 U.S.C. § 1355(b)(1)(A) because acts or omissions giving rise to the forfeiture occurred in this District, and 28 U.S.C. § 1395, because the action accrued in this District.

6. After the seizure of the Defendant Property, the United States Department of Justice, Drug Enforcement Administration (“DEA”), began administrative forfeiture proceedings. On or about January 20, 2015, Alejandro Solorio, through his counsel, Jeffrey D. Schwartz, 637 F Street, Arcata, California 95521, filed a claim for the Defendant Property with the DEA, after which the DEA referred the matter to the United States Attorney for the Middle District of Georgia.

Basis For Forfeiture

7. The Defendant Property is subject to forfeiture pursuant to 21 U.S.C. § 881(a)(6) because it constitutes 1) money furnished or intended to be furnished in exchange for a controlled substance or listed chemical in violation of the Controlled Substances Act; 2) proceeds traceable to such an exchange; and/or 3) money used or intended to be used to facilitate a violation of the Controlled Substances Act.

Factual Allegations

8. Beginning in January of 2014, the DEA, and other law enforcement agencies, began an investigation involving large quantities of cash being deposited in branch banks located in the Macon, Georgia area, and being rapidly withdrawn from branch banks located in the Houston, Texas and northern California areas.

9. The investigation has led to the identification of a number of persons alleged to be involved in the distribution of controlled substances, including Ira Christopher Jackson ("Jackson") and Alejandro Solorio ("Solorio").

10. The investigation revealed that Jackson travels between Texas, Georgia, and California to manage a marijuana distribution organization, and used the United States Postal Service, Federal Express, or United Postal Service to ship controlled substances from the Houston, Texas and Northern California areas to the Macon, Georgia area.

11. As part of the investigation, on October 31, 2014, deputies with the Humboldt County Sheriff's Office, and agents with the Humboldt County Drug Task Force ("HCDTF"), DEA, and United States Postal Inspection Service executed a

Federal Search Warrant, at Solorio's place of residency located at 2521 Cropley Way, Arcata, California 95521 ("the residence").

12. During the search of the residence occupied by Solorio, agents found two (2) safes located inside the garage. Solorio provided the combinations and keys to the agents to prevent damage to the safes. The safes contained a large amount of United States currency, later determined to be \$62,203.00.

13. In addition to the United States currency, the agents discovered multiple oven turkey bags containing approximately 25.8094 kilograms of dried processed marijuana bud packaged in approximate one (1) pound packages, and located inside two (2) duffle style bags sitting on the floor of the garage, and an operable Tanita digital scale located on a shelf inside the garage near the marijuana.

14. Inside the residence, agents found the following items: i.) a small usable quantity of a white crystallized substance in a plastic baggie; ii.) paperwork for a residence in Solorio's name; iii.) an envelope with handwritten notes; iv.) money order receipts; and v.) four (4) cellular telephones.

15. While processing evidence found at the residence, an adult female, later identified as Alexander Ruth DeKoster ("DeKoster"), walked into the front door holding a black colored duffle bag and a purse. When asked by the agents what was inside the duffle bag, DeKoster stated it contained a couple pounds of marijuana bud. A search of the duffle bag and DeKoster's purse revealed three (3) individual plastic bags containing approximately one (1) pound of marijuana, \$2,240.00 in United States currency, and \$500.00 in money orders.

16. DeKoster was arrested and issued a citation for violation of California Health and Safety Code Sections 11359 and 11360 by the HCDTF. The United States currency and money orders found inside DeKoster's purse were seized by the HCDTF.

17. The Defendant Property seized by the DEA consists of the United States currency found inside the two (2) safes located in the garage for a total amount of \$62,203.00.

Conclusion

18. Based on the foregoing, probable cause exists to believe that the Defendant Property constitutes money furnished or intended to be furnished in exchange for a controlled substance, in violation of the Controlled Substances Act, 21 U.S.C. § 801, *et seq.*, punishable by more than one year's imprisonment, constitutes proceeds traceable to such an exchange, and/or constitutes money used or intended to be used to facilitate a violation of the Controlled Substances Act, and is therefore subject to forfeiture pursuant to 21 U.S.C. § 881(a)(6).

WHEREFORE, the United States of America prays that process of warrant issue for the arrest of the Defendant Property; that due notice be given to all parties to appear and show cause why forfeiture should not be decreed; that judgment be entered declaring the Defendant Property forfeited to the United States of America for disposition according to law; and that the United States of America be granted such other relief as this Court may deem just and proper, together with the costs and disbursements of this action.

RESPECTFULLY SUBMITTED, April 20, 2015.

MICHAEL J. MOORE
UNITED STATES ATTORNEY

By: s/DANIAL E. BENNETT
ASSISTANT UNITED STATES ATTORNEY
GEORGIA STATE BAR NO. 052683
UNITED STATES ATTORNEY'S OFFICE
Post Office Box 1702
Macon, Georgia 31202-1702
Telephone: (478) 752-3511
Facsimile: (478) 621-2712